

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

CR 16-50163-03

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

HAROLD RED OWL,

Defendant.

The Defendant states the following facts are true, and the parties agree that they establish a factual basis for the offense to which the Defendant is pleading guilty pursuant to Fed. R. Crim. P. 11(b)(3):

Oglala Sioux Tribe Department of Public Safety (OST DPS) Law Enforcement Officers were dispatched to Roberta Featherman's residence in Potato Creek on the evening of November 11, 2016. Officers were advised that a fight had taken place between the occupants of Roberta's home and [REDACTED] After being dispatched at approximately 11:30 p.m., a second caller advised that Roberta's windows were being broken out by members of the Wounded Head family.

OST DPS Officer Ronald Red Owl arrived on scene and observed the broken windows to Roberta's home. Officer Red Owl made contact with the Defendant, Harold Red Owl, and Roberta, on the side of the house. The Defendant and Roberta were inside the house and Officer Red Owl was outside the residence. The Defendant advised he would let Officer Red Owl enter the house. After

several minutes, the Defendant appeared at the front door and allowed Officer Red Owl to enter.

Shortly thereafter, Officer Tim Peete discovered [REDACTED] and [REDACTED] on the floor in the living room, covered with blankets. The children were severely emaciated, wearing only diapers and appeared extremely disheveled and had limited movement. [REDACTED] was extremely weak and could only hold her head up for a few moments before she had to resume laying down. [REDACTED] had a bed sore that was necrotic and all the tissue had worn away, exposing the bone. When she was initially found, [REDACTED] had light sensitivity issues. It was soon discovered that [REDACTED] is blind as a result of chronic non-accidental trauma to her brain. Both children weighed approximately thirteen pounds. The children were immediately transported to Rapid City Regional Hospital in Rapid City, SD, and remained hospitalized due to their condition.

[REDACTED] the biological mother of [REDACTED] (then 2 years old) and [REDACTED] (then 3 years old) had given custody of [REDACTED] to her sister, [REDACTED]. [REDACTED] gave custody of [REDACTED] to her mother, Roberta, at the same time. The Defendant and Roberta were in a long-term relationship with one another and the Defendant lived with Roberta at her house in Potato Creek during the time the abuse and neglect occurred. The Defendant and Roberta consumed an excessive amount of alcohol while the children were living in Roberta's house. While [REDACTED] and [REDACTED] were in Roberta's custody, necessary nourishment was withheld from the children, nearly resulting in their starving to death. The Defendant was unable to care for the children due to his chronic

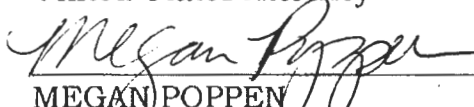
substance abuse issues. The children were only discovered when police were called to Roberta's home on November 11, 2016. The Defendant was aware that the children were being starved at his home, and that proper medical care was being withheld. At no time did the Defendant report to the local child protective services office or local law enforcement agency that the children were being starved and abused, despite his knowledge that they were being starved and abused.

Doctor David Mueller treated the children while they were hospitalized at Rapid City Regional Hospital. Dr. Mueller stated that the children were extremely emaciated, similar to prisoners of concentration camps during World War II, that they had been starved over a period of time, and that they would have died from chronic starvation had they not been found.

The Defendant is an "Indian" under the provisions of 18 U.S.C. § 1153 in that he is enrolled with the Oglala Sioux Tribe. The offense occurred near Kyle, South Dakota, which is within the exterior boundaries of the Pine Ridge Indian Reservation. This location is "Indian country" within the provisions of 18 U.S.C. §§ 1151 and 1153.

10-25-19
Date

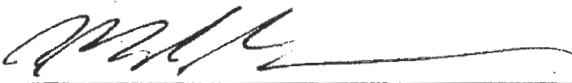
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10-25-19
Date


HAROLD RED OWL
Defendant

Oct. 25, 2019
Date


MICHAEL WHEELER
Attorney for Defendant